

Appl. No. 10/790,418  
Docket No. 9562  
Response dated March 10, 2008  
Reply to Office Action mailed on November 8, 2007  
Customer No. 27752

REMARKS

Claim Status

Claims 1-7 and 9-20 are pending in the application.

Rejection Under 35 USC §103(a) Over Wang et al. in view of Horney et al.

Claims 1-4, 6-7, 10, 12-14, and 16-17 have been rejected under 35 USC §103(a) as being obvious over Wang et al., US 4,713,578, in view of Horney et al., US 5,549,589. Applicants respectfully traverse this rejection.

Wang et al. teach a baffle having a central and non-central zone, each zone being impermeable to menses and having a particular water vapor transmission rate, with the central zone having a water vapor transmission rate less than the non-central zone of the baffle. The baffle can be used in a sanitary napkin or pad, as shown in FIGS. 1 and 2. FIG. 1 shows a sanitary pad 10 comprising a baffle 11 (having a central zone 14) and absorbent material 12 wrapped with a fluid pervious cover 13. FIG. 2 shows a sanitary pad 20 comprising a baffle 21 (having a central zone 24 extending the length of the baffle 21) and absorbent material 22 wrapped with a fluid pervious cover 23.

The Office Action asserts that the baffle 11 of FIG. 1 corresponds to Applicants' "fluid permeable backsheet" claim element. Applicants respectfully point out that the baffle 11 of Wang et al. is clearly fluid impermeable, as the central and non-central zones of the baffle of Wang et al. are impermeable to menses. *See, e.g.*, Abstract of Wang et al. As such, Wang et al. clearly do not teach a fluid pervious backsheet, based on the Office Action's interpretation of the Wang et al. reference.

Applicants further point out that it appears the baffle 11 of FIG. 1 of Wang et al. is actually positioned between the absorbent material 12 and the fluid pervious cover 13 of Wang et al. (it appears the fluid pervious cover 13 wraps around the underside of the sanitary pad 10). As such, the baffle 11 could be interpreted to be a fluid impermeable barrier, as required by the present claims. However, the presently claimed invention requires that such a fluid impermeable barrier does not extend beyond the core outer periphery of the absorbent core. In contrast, the fluid impermeable baffle 11 of Wang et al. clearly extends beyond the outer periphery of the absorbent material 12. Furthermore, Wang et al. teach nothing about its fluid pervious cover 13.

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Based on either interpretation of the baffle of the Wang et al. reference, Wang et al. fails to teach or suggest the presently claimed invention.

The Office Action's citation of Horney et al. as a secondary reference does not remedy the deficiencies of the teachings of Wang et al. Indeed, Horney et al. teach an absorbent article having a fluid impervious backsheet, in contrast to the presently claimed invention which requires a fluid permeable backsheet. As such, Horney et al. do not remedy the deficiencies of Wang et al.

Applicants therefore submit that the Office Action has failed to set forth a *prima facie* case of obviousness based on the disclosure of Wang et al. in view of Horney et al. As such, Applicants submit that the rejection of Claims 1-4, 6-7, 10, 12-14, and 16-17 under 35 USC §103(a) as being obvious over Wang et al. in view of Horney et al. is improper and respectfully request that it be withdrawn.

Rejection Under 35 USC §103(a) Over Wang et al. in view of Horney et al. and further in view of Kudo et al.

Claims 5, 9, and 11 have been rejected under 35 USC §103(a) as being obvious over Wang et al. in view of Horney et al. and further in view of Kudo et al., US 2003/0187417 A1. Applicants respectfully traverse this rejection.

Wang et al. and Horney et al. are discussed above. As with Meyer et al., Kudo et al. do not remedy the lack of teachings of Wang et al. and Horney et al. with regard to the presently claimed invention. Therefore, Applicants submit that the rejection of Claims 5, 9, and 11 under 35 USC §103(a) as being obvious over Wang et al. in view of Horney et al. and further in view of Kudo et al. is improper and respectfully request that it be withdrawn.

Rejection Under 35 USC §103(a) Over Wang et al. in view of Horney et al. and further in view of Carstens et al.

Claims 15 and 18-20 have been rejected under 35 USC §103(a) as being obvious over Wang et al. in view of Horney et al. and further in view of Carstens et al., US 6,582,411. Applicants respectfully traverse this rejection.

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Wang et al. and Horney et al. are discussed above. Carstens et al. do not remedy the lack of teachings of Wang et al. and Horney et al. with regard to the presently claimed invention. Therefore, Applicants submit that the rejection of Claims 15 and 18-20 under 35 USC §103(a) as being obvious over Wang et al. in view of Horney et al. and further in view of Carstens et al. is improper and respectfully request that it be withdrawn.

Conclusion

In view of the foregoing remarks, reconsideration of this application and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

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